

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF MICHIGAN  
31ST JUDICIAL CIRCUIT COURT (ST. CLAIR COUNTY)  
  
TINA TROY,  
  
Petitioner,  
  
v. Case No. L-19-000463-PH  
  
KEVIN JAMES LINDKE,  
  
Defendant.

ARRAIGNMENT  
  
BEFORE THE HONORABLE CYNTHIA A. LANE,  
31ST CIRCUIT COURT JUDGE  
Port Huron, Michigan - Thursday, March 14, 2019  
  
APPEARANCES:  
  
For the Plaintiff: TINA TROY, In Pro Per (Not present)  
[REDACTED]  
  
For the Defendant: KEVIN JAMES LINDKE, In Pro Per  
[REDACTED]  
  
Transcribed by: JAYLEEN SEATON, CER 9041  
Certified Electronic Recorder  
201 McMorran Boulevard, Room 3200  
Port Huron, Michigan 48060  
810-985-2042

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TABLE OF CONTENTS

	<u>PAGE</u>
Arraignment:	3
<u>WITNESSES:</u>	
None	
<u>EXHIBITS:</u>	
None	
	<u>MARKED</u> <u>ADMITTED</u>

1 Port Huron, Michigan - Courtroom 3200

2 Thursday, March 14, 2019

3

4 (At 11:11 a.m., court in session)

5

6 THE COURT: Okay. Now may we have Mr. Kevin  
7 James Lindke?

8 (At 11:11 a.m., Respondent present by video)

9 All right. Sir, would you raise your right  
10 hand, please.

11

12 K E V I N J A M E S L I N D K E

13

14 Do you swear or affirm any testimony you  
15 give today will be the truth, the whole truth and  
16 nothing but the truth, so help you God?

17 (sworn in by the Court at 11:11 a.m.)

18

19 MR. LINDKE: Yes, ma'am.

20 THE COURT: Okay.

21 What's your full name, please?

22 MR. LINDKE: Kevin James Lindke.

23 THE COURT: And where do you live?

24 MR. LINDKE: [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED].

1 THE COURT: All right.

2 You're here before the Court because you are  
3 charged with violating a Personal Protection Order on more  
4 than one occasion frankly and the Court issued that  
5 Personal Protection Order on -- let me find the date. On  
6 March 4th of 2019 and you were served with that Personal  
7 Protection Order on March 6th, 2019. Two days after it  
8 was filed.

9 Now, the Court has issued three separate bench  
10 warrants for violations of the Personal Protection Order  
11 and that includes -- the Personal Protection Order  
12 includes among other things that -- let me find it.

13 Oh, there's so much paper in this file just give  
14 me a second, sir.

15 MR. LINDKE: Yes, ma'am.

16 THE COURT: Includes that you must not  
17 communicate or send mail or other communications to the  
18 Petitioner, cannot contact the Petitioner in any way, and  
19 it also prohibits you from posting comments about her on  
20 social media.

21 I issued a bench warrant on March 7th and the  
22 allegation is that on, now, let's see here, on the 6th of  
23 March shortly after that -- shortly after you were served  
24 with that Personal Protection Order you posted references  
25 to Miss Troy, the Petitioner, on Facebook.

1 Now, I'm going to tell you what your rights are.  
2 MR. LINDKE: You know, if I may, your Honor, --  
3 THE COURT: No no no.  
4 MR. LINDKE: -- those posts --  
5 THE COURT: Sir.  
6 MR. LINDKE: -- are not --  
7 THE COURT: Sir.  
8 Please, be quiet. I'm here to arraign you.  
9 MR. LINDKE: Yes, ma'am.  
10 THE COURT: Okay.  
11 MR. LINDKE: Yes, ma'am.  
12 THE COURT: Give me one moment.  
13 (Disruption from the gallery)  
14 What's going on out in the courtroom?  
15 UNIDENTIFIED MALE VOICE: He's winking at  
16 something.  
17 UNIDENTIFIED FEMALE VOICE: Are you, are you  
18 Mr. Moeller?  
19 UNIDENTIFIED MALE VOICE: What's it to you?  
20 UNIDENTIFIED FEMALE VOICE: Are you Jerry  
21 Moeller?  
22 Are you Jerry Moeller?  
23 I don't even know why he's here.  
24 UNIDENTIFIED MALE VOICE: What's it to you?  
25 THE COURT: Okay.

1 UNIDENTIFIED FEMALE VOICE: He's making faces at  
2 me.

3 UNIDENTIFIED MALE VOICE: He's winking ...  
4 (inaudible) ...

5 UNIDENTIFIED MALE VOICE: Well quit looking back  
6 here.

7 THE COURT: Sir, okay, please.

8 UNIDENTIFIED MALE VOICE: I mean, she's sitting  
9 in front of me.

10 THE COURT: Please.

11 MR. LINDKE: ... (inaudible) ... can't believe  
12 these comments.

13 THE COURT: Please. This is not the place  
14 for anybody --

15 Sir, would you please bare with me here.

16 This is not the place for --

17 MR. LINDKE: Yes, ma'am.

18 THE COURT: -- anybody to comment.

19 MR. LINDKE: That's my mom.

20 THE COURT: We are not taking testimony. We are  
21 not -- I -- the Court is not accepting anything in  
22 evidence today, okay. You, you may be here to observe,  
23 but you do not have the right to say anything or to  
24 otherwise try to communicate with the Court.

25 I saw a hand waiving. I saw some type of



1 reaction. I don't know who you are. I don't know what  
2 that's about, but this is not the time to communicate with  
3 the Court. It's not the purpose of this hearing.

4 UNIDENTIFIED FEMALE VOICE: I, I fully  
5 understand.

6 THE COURT: Ma'am, if you continue you will  
7 leave the courtroom. Okay.

8 I want to make sure I get this right, sir, so  
9 I'm paging to the appropriate section of the Court Rule.

10 Bare with me a moment I just had an, --

11 MR. LINDKE: Yes, ma'am.

12 THE COURT: -- I just had an interruption.

13 MR. LINDKE: Hey, no worries.

14 THE COURT: Okay. Sir, I've just alleged you of  
15 the -- I just informed you of the alleged violation.

16 You have a right to contest these charges at a  
17 contempt hearing. You're entitled to the assistance of a  
18 lawyer at that hearing if I determine that I might  
19 sentence you to jail and if you can not afford to hire a  
20 lawyer in that event then I will appoint a lawyer at  
21 public expense to represent you.

22 If requested, if you request a court-appointed  
23 lawyer and you qualify for one the Court will appoint a  
24 lawyer to represent you if I make that determination.

25 I'm also going to set bond pending a hearing on

1           these violations. This, I'm sorry, the alleged violation  
2           I should say and --

3                     MR. LINDKE: Yes, ma'am.

4                     THE COURT: -- which I will address shortly.

5                     Now, my question for you is what is your plea to  
6           the charge that you violated the Personal Protection Order  
7           issued by the Court by post, by posting, making posts on  
8           social media about Tina Troy, the Petitioner, and the  
9           other allegations set forth in the Motion and Order to  
10          Show Cause? What is your charge -- what is your plea to  
11          the charges that you violated the Personal Protection  
12          Order by doing that?

13                    MR. LINDKE: And this is for all, this is for  
14          all three of them, right, your Honor, correct?

15                    THE COURT: No, this is just for one of them.  
16                    I'll ask you again.

17                    MR. LINDKE: Oh, not guilty.

18                    THE COURT: Thank you.

19                    MR. LINDKE: Not guilty.

20                    THE COURT: Now, we'll move on to the next one.

21                    I also issued a bench warrant yesterday in  
22          connection with another complaint that was filed by the  
23          Petitioner and that complaint was filed by the Petitioner  
24          on March 12th at -- let me get the time. 3:58 p.m. That  
25          was yesterday.



1 THE CLERK: No, yesterday was the 13th.

2 THE COURT: Oh, I'm sorry.

3 MR. LINDKE: Two days ago.

4 THE COURT: That's right. Two days ago. That's  
5 when it was filed. And on that date I issue a bench  
6 warrant for your arrest.

7 The allegation there is that you violated the  
8 Personal Protection Order by posting more negative  
9 comments and pictures of Ms. Troy on social media and she  
10 attaches certain things in support of her statement.

11 What is your plea to the charge that you  
12 violated the Personal Protection Order by, by engaging in  
13 the behavior that Ms. Troy alleges?

14 MR. LINDKE: Not guilty, your Honor.

15 THE COURT: Okay.

16 Now at 3:59 p.m. on March 12th, 2019, Ms. Troy  
17 alleged -- made additional allegations that you violated  
18 the Personal Protection Order alleging specifically that  
19 you made more social media posts and you also made a fake  
20 profile using her name and picture to send people  
21 messages. She states that her career is in jeopardy and  
22 that is damaging to her because people are taking your  
23 posts seriously.

24 What is your plea to the charge that you  
25 violated the Court's Personal Protection Order by behaving

1 in the way that Ms. Troy alleges?

2 MR. LINDKE: Not guilty, your Honor.

3 THE COURT: Please be advised that with respect  
4 to not only those two separate charges that resulted in  
5 bench warrants, but also the first, you have a right to a  
6 contested hearing. You have the right to the assistance  
7 of a lawyer at that hearing and if I determine I might  
8 sentence you to jail I'll appoint a lawyer if public -- at  
9 public expense if you want one and if you qualify for one.

10 And if I believe it is appropriate I will  
11 appoint a lawyer.

12 MR. LINDKE: Yes, ma'am.

13 THE COURT: So, the record will reflect that you  
14 have posted or that you have pled not guilty to all of  
15 these charges.

16 We will notify the office of the Prosecuting  
17 Attorney. They will pursue the matters because each of  
18 these, well, let me step back for a moment.

19 The maximum possible penalty for violating a  
20 Personal Protection Order is up to 93 days in jail and/or  
21 a \$500 fine.

22 So, my time right -- my charge right now is to  
23 post bond. And I will post or to set bond not post it.  
24 I'm going to set bond on each of these cases.

25 With respect to the first complaint, I'm going

1 to set bond at \$5,000 cash.

2 With respect to the second complaint, I'm going  
3 to --

4 MR. LINDKE: Any 10 percent, your Honor?

5 THE COURT: No, sir.

6 With regards to the second complaint, I'm going  
7 to set bond at \$10,000 cash.

8 With respect to the third complaint, I'm going  
9 to set bond at \$15,000 cash.

10 MR. LINDKE: Okay, you're violating my civil  
11 rights right now, but that's okay.

12 THE COURT: All right. So, --

13 MR. LINDKE: I just want it on the record, your  
14 Honor, that Zoran versus McGuire --

15 THE COURT: Sir, we're, we're finished.

16 MR. LINDKE: -- addresses this issue ...  
17 (unintelligible) ... court.

18 THE COURT: Thank you very much.

19 That -- these, these proceedings --

20 MR. LINDKE: And you're violating my rights,  
21 your Honor.

22 THE COURT: Thank you very much.

23 Apply for a court-appointed lawyer and see if  
24 you qualify for one.

25 Well we'll notify, we'll set, we'll set a

1           hearing date. Okay.

2                   You'll be notified of a hearing date, sir.

3

4                   (At 11:24 a.m., court in recess)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

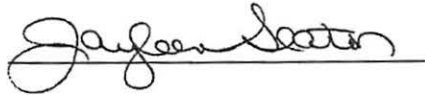
22

23

24

25

1 I, JAYLEEN SEATON, a Certified Electronic  
2 Recorder in and for the 31st Judicial Circuit Court, State of  
3 Michigan, do hereby certify that this transcript, consisting of  
4 13 pages, a complete, true, and correct transcript of the  
5 Arraignment on March 14, 2019 in the above-entitled matter of  
6 said videotaped proceedings as recorded.

7  
8 

9 JAYLEEN SEATON, CER 9041  
10 Certified Electronic Reporter  
11 810-985-2042

12 DATED: This 3rd day of April 2019.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25